

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Janet Malam,

Petitioner-Plaintiff,

Civil No. 20-10829

v.

Honorable Judith E. Levy  
Mag. Judge Anthony P. Patti

Rebecca Adducci, et al.,

Respondents-Defendants.

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**DEFENDANTS' EMERGENCY MOTION TO  
TERMINATE BAIL AND RE-DETAIN NAZARIO PABLO-PABLO**

Defendants, through their attorneys, Matthew Schneider, United States Attorney for the Eastern District of Michigan, and Jennifer L. Newby, Assistant United States Attorney, move this Court for entry of an order terminating the bail granted to Nazario Pablo-Pablo on September 23, 2020, and permitting his re-detention by U.S. Immigration and Customs Enforcement.

The undersigned counsel certifies that in accordance with E.D. Mich. LR 7.1(a), counsel requested concurrence in the relief requested, Plaintiff's counsel responded that they have not been able to reach Mr. Pablo-Pablo, and accordingly take no position regarding this motion. In support of the motion, Defendants state as follows:

1. On September 23, 2020, the Court granted bail to Nazario Pablo-Pablo in order to reduce his risk of exposure to COVID-19 while the Court addresses the merits of a class action brought on behalf of all immigration detainees at Calhoun County Correctional Center. (Bail Order, ECF No. 290).
2. Pursuant to the order of this Court, upon his release, Pablo-Pablo was required to report to the address identified in his bail request, and observe an initial 14-day quarantine, except as needed to access healthcare or report to ICE as directed. (Release Cond., ECF No. 179).
3. The order also states that ICE may impose reasonable non-confinement terms of supervision. *Id.* Pablo-Pablo was fitted with a GPS tether at his release and provided with his Order of Supervision. (Slater Dec., Ex. 1, ¶ 5; OSUP, Ex. 2).
4. Pursuant to the Court's order, Pablo-Pablo was required to quarantine through October 7, 2020. (Release Cond., ECF No. 179). His counsel was required to explain the terms of his release to him. *Id.* ICE also explained that he was required to quarantine for 14-days following his release. (Slater Dec., Ex. 1, ¶ 5-6).
5. Pablo-Pablo violated this Court's order and his OSUP by failing to quarantine for 14-days after his release, as follows:
  - 10/03/20 – left his home from 2:34 p.m. to 6:50 p.m. to visit a residence in Grand Rapids;

- 10/04/20 – left his home from 7:58 a.m. to 2:13 p.m. to visit a different residence in Grand Rapids;
  - 10/04/20 – left his home from 6:34 p.m. to 8:19 p.m. to visit a residence in Wyoming, MI.
6. Pursuant to his OSUP, after the Court ordered quarantine period, ICE gave Pablo-Pablo permission to leave his residence Monday through Friday, from 10:00 a.m. to 2:00 p.m., and anytime for a medical emergency. (Slater Dec., Ex. 1, ¶ 11).
7. Pablo-Pablo violated his OSUP by leaving his residence outside of the permitted hours, as follows:
- 10/09/20 – left his home from 2:30 p.m. to 3:06 p.m. to visit a residence in Grand Rapids;
  - 10/09/20 – left his home from 7:51 p.m. to 11:57 p.m. to visit a different residence in Grand Rapids;
  - 10/12/20 – left his home from 3:27 p.m. to 4:00 p.m. to visit a residence in Kentwood, MI;
  - 10/13/20 – left his home from 2:01 p.m. to 2:12 p.m.;
  - 10/18/20 – left his home from 1:50 p.m. to 2:26 p.m.
8. On October 20, 2020, ICE received an alert that Pablo-Pablo cut his GPS tether. *Id.* at ¶ 17. ICE has not been able to make contact with Pablo-Pablo. *Id.* at ¶ 18.

9. Counsel for ICE reached out to counsel for Pablo-Pablo, but they have not been able to provide his location.
10. In accordance with the conditions of his release, ICE intends to re-detain Pablo-Pablo, and seeks an emergency order from this Court revoking his bail. (Release Cond., ECF No. 179) (providing that ICE may re-detain an individual who has absconded).

MATTHEW SCHNEIDER  
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Dated: October 20, 2020

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**DEFENDANTS' BRIEF IN SUPPORT OF EMERGENCY MOTION TO  
TERMINATE BAIL AND RE-DETAIN NAZARIO PABLO-PABLO**

For their brief in support of the emergency motion to terminated bail and re-detain Nazario Pablo-Pablo, Defendants rely on the facts, exhibit, and documents on file with the Court referenced in their motion.

MATTHEW SCHNEIDER  
United States Attorney

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Dated: October 20, 2020

### **CERTIFICATION OF SERVICE**

I hereby certify that on October 20, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system that will provide notice to all counsel of record.

/s/ Jennifer L. Newby  
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